



A RESOLUTION

BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

04-12-0589

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$4,249.00 IN SETTLEMENT OF THE CLAIM
OF LOUISE B. COTTON, THROUGH HER ATTORNEY, J.
GLEN MCELROY AGAINST THE CITY OF ATLANTA AND
FOR OTHER PURPOSES**

WHEREAS, Louise B. Cotton, through her attorney, J. Glen McElroy, has filed a claim against the City of Atlanta seeking damages arising out of a collision with a vehicle operated by an employee of the Bureau of Solid Waste Services; and

WHEREAS, the collision occurred as a result of the City employee misjudging his clearance while turning left and colliding with Ms. Cotton's vehicle; and

WHEREAS, the claimant asserted damages in the amount of \$8,000.00, but has agreed to accept the sum of \$4,249.00 in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Louise B. Cotton, through her attorney, J. Glen McElroy, be settled for the sum of \$4,249.00.

WHEREAS, the claimant had previously abandoned her claim and the Council of the City of Atlanta adopted an adverse recommendation on January 20, 2004.

THEREFORE, BE IT RESOLVED that Resolution 03-R-0029 be hereby rescinded.

BE IT FURTHER RESOLVED that the Council of the City of Atlanta, Georgia that \$4,249.00 be paid by the City of Atlanta in satisfaction of any and all claims Louise B. Cotton, through her attorney, J. Glen McElroy, may have stemming from damages sustained due to a motor vehicle collision on or about March 27, 2003.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 2P01/529017/T31001.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

ADOPTED by the Council
APPROVED by the Mayor

April 19, 2004
April 27, 2004

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0650

Date: March 5, 2004

Claimant /Victim LOUISE B. COTTON
BY: (Atty) J. Glenn McElroy
Address: 1720 Peachtree Street, NW, Suite 150, Atlanta, Georgia 30309
Subrogation: Claim for Property damage \$ Bodily Injury \$ **8,000.00**
Date of Notice: 07/24/03 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 03/27/03 Place: Henry Thomas Drive and Thomasville Drive
Department Public Works Bureau: Solid Waste Services
Employee involved Corey Bush Disciplinary Action: Written Reprimand

NATURE OF CLAIM: The claimant alleges that she was injured when the driver of a City vehicle misjudged his clearance when turning and collided with her vehicle.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

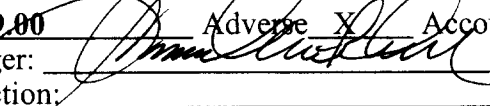
Function: Governmental Ministerial X
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

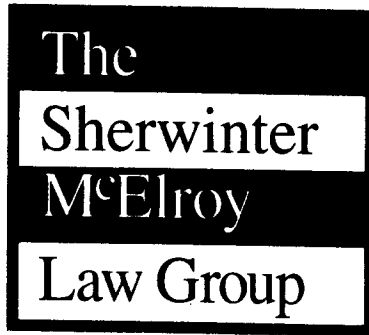
Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ **4,249.00** Adverse X Account charged: 1A01 2J01 2H01 2P01 X
Claims Manager:  Concur/date 03/17/04
Committee Action: Council Action



July 23, 2003

M. Adair
08/14/03
[Signature]

RECEIVED

JUL 24 2003

MUNICIPAL CLERK

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ENTERED - 8-14-03 - SB
03L0650 - DIANNE MITCHELL

Consulate of City of Atlanta
Municipal Clerk
55 Trinity Ave S.W.
Atlanta, GA 30335

RE: Your Insured : City of Atlanta Sanitation (Driver: Cory Terrell Bush)
 Date of Loss : March 27, 2003
 Our Client : Louise B. Cotton
 Your Claim No. : Unknown

Dear Sir or Madam:

Please be advised that this firm has been retained by the above-named claimant with regard to certain injuries received as a result of the negligence of Cory Terrell Bush. We have requested medical records and bills from all health care providers and will forward the records and bills to you when they become available.

We request that you provide to us a statement of the following information with regard to each known policy of liability insurance of your insured, including excess or umbrella insurance:

1. The name of the insurer;
2. The name of each insured;
3. The limits of liability coverage;
4. A statement of any policy or coverage defense which such insurer reasonably believes available to such insurer at the time of filing such statement.

Consulate of City of Atlanta

July 23, 2003

Page 2

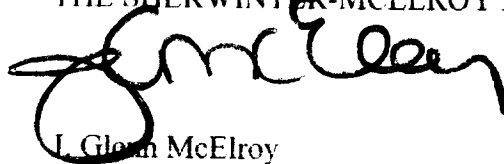
We further request that you provide us with a copy of all applicable insurance policies with declaration sheets. Please forward our request for information to all affected insurers. All affected insurers are asked to respond to this request promptly to avoid filing of a lawsuit at this time. Please also forward to us copies of any and all statements that you have which were made by our client.

Attached is an Affidavit in compliance with O.C.G.A. 33-3-28(a)(1).

Thank you for your cooperation in this matter.

Very truly yours,

THE SHERWINTER-MCELROY LAW GROUP

A handwritten signature in black ink, appearing to read "L. Glenn McElroy". The signature is fluid and cursive, with a large loop at the beginning.

L. Glenn McElroy
Attorney At Law

JGM:ge

Enclosure

cc: Louise Cotton

GENERAL RELEASE AND INDEMNIFICATIONCLAIM NUMBER 03L0650\$ 4,249.00

IN CONSIDERATION of the sum of FOUR THOUSAND TWO HUNDRED FORTY-NINE & NO/100 DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, including but not limited to Corey Bush, from any and all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident which occurred on or about the 27th day of March, 2003,

at or near Henry Thomas Drive and Thomasville Drive

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 27 day of February, 2004

Betty Louise Cotton (LS)
LOUISE E. COTTON

J. GLEN CELROY (LS)
J. GLEN CELROY, ATTORNEY AT LAW

The above release was read and explained to, and signed by the said

Betty Louise Cotton

in our presence on the date above written.

[Signature]
Notary Public, DeKalb County, Georgia
My Commission Expires Jan. 28, 2006

Witnesses

04-*2*-0589

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING PAYMENT
IN THE AMOUNT OF \$4,249.00 IN
SETTLEMENT OF THE CLAIM OF LOUISE
B. COTTON, THROUGH HER ATTORNEY,
J. GLEN MCELROY AGAINST THE CITY
OF ATLANTA AND FOR OTHER PURPOSES

APPROVED BY:

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADOPTED BY

APR 19 2004

COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred to

H. Lane Atkins

Public Safety

March 30, 2004

H. Lane Atkins

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Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

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FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED
APR 19 2004

H. Lane Atkins

CERTIFIED
APR 19 2004

Renee Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
Shirley Franklin
2004
MAYOR